

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DONALD EUGENE
MALLORY,

Plaintiff,

v.

JEFF SESSIONS,

Defendant.

Case No. 17-CV-12021

HON. GEORGE CARAM STEEH

ORDER ADOPTING REPORT AND
RECOMMENDATION AND DISMISSING COMPLAINT

This matter comes before the court on Magistrate Judge Anthony P. Patti's report and recommendation, filed June 11, 2018. Magistrate Judge Patti recommends that the court grant Defendant's motion to dismiss (Doc. 14) and deny Plaintiff's motion to dismiss/strike (Doc. 16). Plaintiff filed objections on June 29, 2018.

With respect to reports and recommendations from magistrate judges, this court "shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1)(C). The court "may accept, reject

or modify, in whole or in part, the findings or recommendations made by the magistrate.” *Id.*

Magistrate Judge Patti recommends that the court dismiss Plaintiff’s complaint as frivolous pursuant to 28 U.S.C. § 1915(e)(2)(B)(i) and/or because it fails to satisfy the pleading requirements of Federal Rule of Civil Procedure 8. Plaintiff’s allegations are indeed fantastical, as he seeks the return of \$17,429,256,000 that is allegedly held in trust by the United States Attorney General and United States Treasurer. Plaintiff’s objections are equally unavailing. The court agrees with the magistrate judge’s thorough and well-reasoned analysis that Plaintiff’s complaint must be dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B)(i) and Rule 8. *See, e.g., Apple v. Glenn*, 183 F.3d 477, 479 (6th Cir. 1999) (dismissal appropriate when the plaintiff’s allegations are “totally implausible, attenuated, unsubstantial, frivolous, devoid of merit, or no longer open to discussion”).

Accordingly, IT IS HEREBY ORDERED that the magistrate judge’s report and recommendation (Doc. 17) is ACCEPTED and ADOPTED as the order of the court.

IT IS FURTHER ORDERED that Defendant’s motion to dismiss (Doc. 14) is GRANTED, Plaintiff’s motion to strike/dismiss (Doc. 16) is DENIED,

Plaintiff's objections (Doc. 18) are OVERRULED, and Plaintiff's complaint is DISMISSED WITH PREJUDICE.

Dated: August 14, 2018

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on August 14, 2018, by electronic and/or ordinary mail and also on Donald Eugene Mallory #142119, Lakeland Correctional Facility, 141 First Street, Coldwater, MI 49036.

s/Barbara Radke
Deputy Clerk